

YOUR RIGHTS & RESPONSIBILITIES UNDER **MI**SHA



**MICHIGAN OCCUPATIONAL
SAFETY & HEALTH ACT**



By law, both employers and employees in the State of Michigan have certain rights and responsibilities as set forth by the Michigan Occupational Safety and Health Act.

You are encouraged to read and save this booklet to help you understand your rights and responsibilities.

This booklet does not include all rights and responsibilities provided by MIOSHA. For a complete list as it applies to both employers and employees, refer to Act 154, P.A. 1974 as amended.

For further information, contact:

**Michigan Department of Labor &
Economic Growth
Michigan Occupational Safety and Health
Administration
P.O. Box 30015
Lansing, MI 48909
(517) 322-1814**

Printed under the authority of the
Michigan Occupational Safety and
Health Act, P.A. 154 of 1974, as amended.
Paid with SET fund and federal OSHA funds.
Total Printed: 50,000
Printing Cost: \$17,330.79
Per Copy Cost: \$0.35



EMPLOYER RIGHTS & RESPONSIBILITIES UNDER MIOSHA

**MICHIGAN
OCCUPATIONAL SAFETY
AND
HEALTH ACT**



RIGHTS

- ❑ You have the right to be considered for appointment to an advisory committee. Sec. 21(2), Sec. 24(1).
- ❑ You can apply for a variance from a MIOSHA standard. Sec. 27(1-4).
- ❑ You are entitled to receive a copy of a written complaint at the time of an investigation, but with the employee's name deleted if the employee so requests. Sec. 28(1).
- ❑ You have the right to be notified by the department if the alleged violations in a complaint were not found to exist at the time of the inspection. Sec 28(3).
- ❑ You have the right to have an inspection or investigation conducted in a manner that is not unreasonably disruptive to the work operation. Sec. 29(1).
- ❑ You may accompany a department representative during a MIOSHA inspection or investigation. Sec. 29(4).
- ❑ You are entitled to a conference with a department representative upon completion of an inspection or investigation. Sec. 29(8).
- ❑ You have the right to be informed by the department representative if it is determined that an imminent danger condition exists within the place of employment. Sec. 31(1).
- ❑ You may request that a department area supervisor make an on-site review (within 24 hours of request) after the tagging of equipment or a process determined to be the source of imminent danger. Sec. 31(1).

- ❑ You may petition the department for an informal appeal within 15 working days after receiving a citation. Sec. 41
- ❑ You have the right to appeal a department's decision on an informal appeal. The petition must be made to the department within 15 working days after receiving the decision. Sec. 41.
- ❑ You may participate in a hearing before a hearing officer and are entitled to receive a copy of the officer's decision. Sec. 42.
- ❑ You may apply to the Board of Health and Safety Compliance and Appeals (BHSCA) for an extension of an abatement period on a citation which has become final. Sec. 44(2).
- ❑ You are entitled to receive occupational safety services from the Consultation Education and Training Division of the Department of Labor & Economic Growth. Sec. 54(2).
- ❑ You are entitled to occupational health training and education from the Consultation Education and Training Division of the Department of Labor & Economic Growth. Sec. 56.
- ❑ You have a right to have your trade secrets protected from disclosure in any proceeding under MIOSHA. Sec. 63(1).
- ❑ You may request a review of the department's discrimination complaint determination within 15 working days after receiving the determination. Sec. 65(4).

RESPONSIBILITIES

- ❑ You must furnish to each employee a workplace that is free from “recognized” hazards which can cause death or serious physical harm. Sec. 11(a).
- ❑ You responsible for complying with regulations and standards covered under MIOSHA and any orders issued pursuant to the act. Sec. 11(b).
- ❑ You must keep employees informed of their protections and obligations under MIOSHA including the provisions of applicable rules and standards. Sec. 11(c).
- ❑ You must provide, at your expense, personal protective equipment to employees when required by MIOSHA standards. Sec. 11(d).
- ❑ You must pay for any medical examination or test required by a MIOSHA standard. Sec. 24(8).
- ❑ You must either post a copy or provide an employee representative with a copy of any request for variance from a MIOSHA standard, rule or order. Sec. 27(2)(e).
- ❑ You must give an employee or employee representative an opportunity (with or without compensation) to attend any meeting between yourself and the Department of Labor & Economic Growth concerning a citation or disposition of a complaint. Sec. 28(5).

- ❑ You must permit a representative from the Department of Labor & Economic Growth to enter your workplace for the purpose of conducting an inspection or investigation regarding safety or health. Sec. 29(1).
- ❑ You must allow an employee representative to accompany the Department of Labor & Economic Growth during an inspection or investigation. You must also allow the investigator to consult with the employee representative and/or employees. Sec. 29(4).
- ❑ You cannot withhold wages or fringe benefits, or discriminate against any employee or their authorized representative for time spent participating in a MIOSHA inspection, investigation or closing conference. Sec. 29(10).
- ❑ You must not permit an employee (other than those whose presence is necessary to correct a hazardous condition) to operate equipment or engage in any process determined by the department to be imminently dangerous. Sec. 31(2).
- ❑ You must post a copy of a MIOSHA citation at or near the place of violation. Sec. 33(2).
- ❑ You must notify the issuing department of compliance with a MIOSHA citation. Sec. 33(3).

- ❑ In the event that a violation is determined to be a *de minimis violation* you must post notice of this violation at or near the place of violation for 3 working days. Sec. 33(5).
- ❑ You must pay MIOSHA civil penalties within 15 working days after the penalty becomes a final order of the BHSCA. Sec. 36(3).
- ❑ You must provide a copy of any citation appeal to the affected employees or their authorized representative. Sec. 41.
- ❑ You must promptly post notice of the department's decision concerning an informal appeal. Sec. 41.
- ❑ You must make and keep accurate records and reports of work-related illnesses and injuries. Sec. 61(1).
- ❑ You must notify the Department of Labor & Economic Growth within 8 hours of a fatality or hospitalization of 3 or more employees suffering injuries or illness resulting from the same incident. Sec. 61(1).

Notification may be accomplished by calling 1-800-858-0397.

- ❑ You must maintain accurate records of any employee exposure to potentially toxic substances or harmful physical agents that are required to be monitored or measured by MIOSHA standards. Sec. 61(2).

- ❑ You must promptly notify employees who were or are being exposed to certain toxic or harmful substances found to be at levels higher than allowed by MIOSHA standards. Sec.61(3).
- ❑ You cannot discharge or in any way discriminate against an employee who has filed a complaint, instituted a proceeding, or who exercises any right afforded by MIOSHA. Sec. 65(1).

MICHIGAN RIGHT TO KNOW

- ❑ Michigan Right to Know amendments to MIOSHA require an employer to develop and implement a hazardous chemical communication system within the workplace that informs employees about what chemicals they are or may be exposed to, possible harmful effects, and how to work safely around these chemicals.
- ❑ Provide employees with a written hazard communication program that defines responsibilities, contains a complete list of hazardous chemicals present in the workplace, informs employees of the hazards of non-routine tasks, and demonstrates how to identify the contents of in-house pipes and piping systems.

- ❑ Obtain and make available to employees a Material Safety Data Sheet (MSDA) for each hazardous chemical used in the workplace. Signs must be posted in the workplace telling employees where MSDSs are located and when they are revised or newly received.
- ❑ Employers are to see that current MSDSs and properly labeled containers are received from producers and distributors of hazardous chemicals. The only unlabeled hazardous chemical containers permitted in the workplace are portable containers filled by an employee from a properly labeled container and used only by that employee to transfer chemicals during his/her shift.
- ❑ Employers are required to hold employee training services during which employees receive information and have questions answered regarding the chemical hazards they may be exposed to, how to read and interpret labels and MSDSs, how to locate a specific MSDS, ways to protect themselves from chemical hazards, and the details of the hazard communication program.

**Refer to the
Michigan
Employee Right to
Know (RTK) Law
for the complete
rights and
requirements
provided by
that standard.**



EMPLOYEE RIGHTS & RESPONSIBILITIES UNDER MIOSHA

MICHIGAN
OCCUPATIONAL SAFETY
AND
HEALTH ACT



EMPLOYEES

RIGHTS

- ❑ Your place of employment must be free of all recognized hazards that can cause death or serious physical harm. Sec. 11(a).
- ❑ Your employer must inform you of any protections and obligations under MIOSHA, including provisions of applicable rules and standards. Sec. 11(c).
- ❑ Personal protective equipment must be provided at employer's expense when such equipment is required under a MIOSHA standard. Sec. 11(d).
- ❑ You have the right to be considered for appointment to an advisory committee. Sec. 21(2), Sec. 24(1).
- ❑ You must be given notice and have the opportunity for a hearing if your employer requests any variance from a MIOSHA standard. Sec. 27(1)(4).
- ❑ If you believe that a violation of a safety or health standard exists in your place of employment, you can request a MIOSHA inspection by giving written notice of the condition to the Michigan Department of Labor & Economic Growth. Sec. 28(1).
- ❑ Your name or the names of any other employees referred to in the written inspection request will not be revealed to your employer, or any other person, at your request. Sec. 28(1).
- ❑ You have the right to be notified if the department determines that no inspection needs to be conducted. Sec. 28(1).

- ❑ You may notify the department quickly and without written notice if you believe that imminent danger exists in the workplace. Sec. 28(2).
- ❑ You have the right to be notified by the department if the alleged violations were found not to exist at the time of inspection. Sec. 28(3).
- ❑ You can request both a review of the department's final disposition of the complaint and a statement that explains the reasons for such a disposition. Sec. 28(1-4).
- ❑ You have the right to attend (with or without compensation) all meetings between the Michigan Department of Labor & Economic Growth and an employer concerning a citation or disposition of a complaint. Sec.28(5), Sec. 41.
- ❑ You may, as an employee representative, accompany a safety or health officer during an investigation or inspection of a place of employment; and you can participate in a conference with the officer after completion of the investigation or inspection. Sec. 29(4)(8).
- ❑ You are entitled to payment of wages and fringe benefits and may not be discriminated against in any manner for time spent participating in a MIOSHA investigation, inspection or closing conference. Sec. 29(10)
- ❑ You can file a complaint with the Michigan Department of Labor & Economic Growth if you feel that you are discriminated against or suffer loss of wages or fringe benefits for time spent participating in a MIOSHA inspection, investigation or closing conference. Sec. 29(10).

- ❑ You have the right to be informed by a department representative of imminent danger conditions are found to exist at your place of employment. Sec. 31(1).
- ❑ You may file a complaint with the Michigan Department of Labor & Economic Growth if you feel that you are discriminated against or if you suffer loss of wages or fringe benefits for refusing to operate equipment or engage in a process that has been determined by the department to be an imminent danger condition. Sec. 31(2).
- ❑ If the department arbitrarily fails to act to correct an imminent danger condition, you or your representative are entitled to bring legal action in circuit court to compel the department to take appropriate action and for further relief, as may be appropriate. Sec. 31(4).
- ❑ If your employer receives a citation and you believe the time given by the department to correct the violation is unreasonable, you may petition the department. The petition must be made within 15 working days after the employer receives the citation. Sec. 41.
- ❑ You may appeal to the Board of Health and Safety Compliance and Appeals (BHSCA) the department's decision concerning a citation. The appeal must be made within 15 working days after the employer receives the decision. Sec. 41.
- ❑ You must be given an opportunity for a hearing on the appeal of the department's decision regarding a citation. Sec. 42.

- ❑ You are entitled to receive occupational safety services from the Consultation Education and Training Division of the Michigan Department of Labor & Economic Growth. Sec. 54.
- ❑ You are entitled to receive occupational health training and education from the Consultation Education and Training Division of the Michigan Department of Labor & Economic Growth. Sec. 56.
- ❑ As an employee or former employee, you must be given access to records of any exposure to potentially toxic substances or harmful physical agents which are required to be monitored or measured by MIOSHA standards. Sec. 61(2).
- ❑ In the event of exposure to any toxic or harmful substances at levels higher than allowed by MIOSHA standards, you must be promptly notified by your employer and told what corrective action is being taken. Sec. 61(3).
- ❑ Your identity will not be disclosed if you provide information to a department representative during an inspection, investigation or other proceedings concerning a possible MIOSHA violation. Sec. 63(2).
- ❑ You may file a discrimination complaint with the Michigan Department of Labor & Economic Growth if you believe that you were discharged or discriminated against for exercising any employee rights provided by MIOSHA. Sec. 65(2).
- ❑ You may request a review, by a hearings officer, of the department's determination on a discrimination complaint. The request must be made within 15 working days after the determination is issued. Sec. 65(4).

RESPONSIBILITIES

- ❑ You are responsible for complying with regulations and standards covered under MIOSHA. Sec. 12(a).
- ❑ You shall not damage, move, or remove any safety related item that is provided for use at a place of employment; or do anything that would interfere with the use of that item by another person. Sec. 12(b).

MICHIGAN RIGHT TO KNOW

- ❑ If you are exposed to hazardous chemicals under normal conditions of use or in a foreseeable emergency, your employer must develop and implement a hazardous chemical communication system within your workplace telling you:
 1. What chemicals you are being exposed to.
 2. How they can harm you.
 3. How you can work safely in their presence.
- ❑ Your employer must make readily available to you current Material Safety Data Sheets (MSDS) concerning all hazardous chemicals within the workplace.
- ❑ Your employer is required to conduct training sessions on chemical hazards you may be exposed to, reading and interpretation of labels, location and understanding of MSDSs, and ways to protect yourself from chemical hazards.

**Refer to the
Michigan
Employee Right to
Know (RTK) Law
for the complete
rights and
requirements
provided by
that standard.**

For additional information, visit
our website at

www.michigan.gov/miosha



Paid in part with federal OSHA funds.
MIOSHA/CET #0101 (3/04)